

Northern Territory Licensing Commission

Reasons for Decision

Hearing:	Pursuant to Section 33 of the <i>Liquor Act-A</i> Review of the Variations to Tennant Creek Liquor Licence Conditions
Date:	9 May 2006
Applicant:	Tennant Creek Golf Club Inc (the Golf Club)
Commission Members:	Brenda Monaghan (Presiding) Helen Kilgariff Jane Large

1. The Golf Club under their current licence conditions are allowed to sell liquor on premises to club members or bona fide guests from 09:00 hours on Sundays and from 10:00 hours every other day. Further, they are allowed to sell takeaway to financial members only between 12:00 hours and 21:00 hours on Monday, Tuesday Wednesday and Friday and between 10:00 hours and 21:00 hours on Saturday, Sunday and Public Holidays.
2. In February 2006, as part of a review of liquor supply restrictions in Tennant Creek, the Golf Club were advised of proposed changes to their liquor licence pursuant to s33 of the *Liquor Act*. The Club trading hours for on premises sales was to remain the same but it was proposed that changes be made to the Club's off premises trading hours and other conditions as follows:

Takeaway

- 1) Takeaway sales of liquor to financial members only shall be allowed during the following hours:
 - a. On Monday, Tuesday, Wednesday and Thursday – from 14:00 hours to 20:00 hours only;
 - b. On Friday - from 14:00 hours to 21:00 hours only;
 - c. On Saturday, Sunday and Public Holidays - from 12:00 hours to 21:00 hours only;
 - d. No trading on Good Friday and Christmas Day.
- 2) With the exception of wine in casks and Darwin Stubby Souvenir packs takeaway sales of liquor of any type being sold or supplied in a container larger than one (1) litre is prohibited;
- 3) Wine in casks cannot be sold or supplied in containers larger than two (2) litres;
- 4) Takeaway sales of wine in casks is restricted to a maximum of two (2) litres per person per day;
- 5) Sale of wine in glass containers of a capacity greater than (1) litre are prohibited;
- 6) Takeaway sale of Port in any container is prohibited;
- 7) No sales of takeaway alcohol to taxi drivers and commercial drivers where the driver is acting as purchasing agent;

On Premises

The Light Beer only condition is removed and the following conditions are included:

- 8) Apart from a right to open late and close early, the Licensee shall not impose its own time restriction on the sale of liquor during licensed hours;
 - 9) No liquor other than light beer may be sold between the hours of 10:00 and 12:00 Sunday to Saturday. (Light beer is defined as beer, lager or other brewed beverage with an alcohol content of **not** more than 3.0% by volume.)
 - 10) The price of alcohol products shall not be advertised:
 - a) on the external surfaces of the licensed premises;
 - b) on billboards and blackboards etc outside the premises; or
 - c) in free newspapers, promotional pamphlets, circulars or posters.
 - 11) Darwin Stubby Souvenir pack shall only be sold for consumption away from the premises. The souvenir pack shall only be sold at room temperature and in the presentation box provided.
3. The Golf Club sought to be heard on the proposed changes to their licence conditions - as is their right - and Mr Douglas Townsley and Ms Janice Westlake attended before the Commission on 9 May 2006 at Tennant Creek. They asked the Commission to reconsider the proposed change in licence hours and the type of liquor to be sold.
 4. Mr Townsley explained that the Golf Club is situated approximately seven (7) kilometres outside Tennant Creek township and has a membership of thirty (30). The provision of alcohol is to members and bona fide guests only and they were willing to limit sales to light or mid strength beer only. They were concerned about the impact of the proposed liquor restrictions on their Club. Their normal "opening hours" for the sale of liquor is governed by the playing times that operate seasonally. From April – September each year, members can elect to play in a competition running from 07:30 – 10:00 hours and from October – March, the playing time is from 07:30 – 09:00 hours. The Club wants to be able to sell liquor to their members to coincide with the close of play.
 5. In relation to the Golf Club, the Commission feels that the modus operandi of this club is different from other licensed premises in Tennant Creek. The club is outside the town, sales of liquor are limited to a very small number of patrons and for a narrow period of time only. Further, there is no indication of problem or risky drinking among its patrons who we are told all bar one drink mid strength beer.

Decision

- a) We have considered the Club's submissions in the light of the overall Liquor Supply Plan for Tennant Creek. We note that at present, the Club can sell liquor on premises to members and bona fide guests from 09:00 hours on Sundays and from 10:00 hours on other days including Public Holidays. We consider that the current hours for on premises sale should remain unchanged. The current hours for off premises sales of liquor should accord with that imposed on other licensed premises under the Liquor Supply plan.
- b) The current licence requires the Club to serve light beer only before 12:00 hours. We consider it reasonable to change that provision from light to mid strength for weekdays but place no restrictions on the type of liquor sold on premises on weekends or public holidays.

In summary, the final changes to the Club's licence conditions are as follows:

Takeaway

- 1) Takeaway sales of liquor to financial members only shall be allowed during the following hours:

- a. On Monday, Tuesday, Wednesday and Thursday – from 12:00 hours to 20:00 hours only;
 - b. On Friday, Saturday, Sunday and Public Holidays - from 12:00 hours to 21:00 hours only;
 - c. No trading on Good Friday and Christmas Day.
- 2) With the exception of wine in casks and Darwin Stubby Souvenir packs takeaway sales of liquor of any type being sold or supplied in a container larger than one (1) litre is prohibited.
 - 3) Wine in casks cannot be sold or supplied in containers larger than two (2) litres.
 - 4) Takeaway sales of wine in casks is restricted to a maximum of two (2) litres per person per day.
 - 5) Sale of wine in glass containers of a capacity greater than (1) litre are prohibited.
 - 6) Takeaway sale of Port in any container is prohibited.
 - 7) No sales of takeaway alcohol to taxi drivers and commercial drivers where the driver is acting as purchasing agent.
 - 8) Darwin Stubby Souvenir pack shall only be sold for consumption away from the premises. The souvenir pack shall only be sold at room temperature and in the presentation box provided.

On Premises

The trading hours remain unchanged but the Light Beer only condition is removed and the following conditions are included:

- 9) Apart from a right to open late and close early, the Licensee shall not impose its own time restriction on the sale of liquor during licensed hours.
- 10) No liquor other than mid strength beer may be sold before 12:00 hours Monday to Friday inclusive (Mid Strength beer is defined as beer, lager or other brewed beverage with an alcohol content of **not** more than 3.5% by volume.)

Special Conditions

- 11) The price of alcohol products shall not be advertised:
 - a) on the external surfaces of the licensed premises;
 - b) on billboards and blackboards etc outside the premises; or
 - c) in free newspapers, promotional pamphlets, circulars or posters.

These new conditions come into effect on Saturday 1 July 2006.

Brenda Monaghan
Presiding Member

31 May 2006